

# HOUSE . . . . . No. 215

By Mr. Porter of Agawam, petition of George W. Porter, Thomas E. Enright and Hollis M. Gott relative to defining further retirement benefits of elected public officials. Pensions and Old Age Assistance.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Eight.

### AN ACT FURTHER DEFINING THE RETIREMENT BENEFITS OF ELECTED PUBLIC OFFICIALS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Subdivision (1) of section 5 of chapter 32 of the  
2 General Laws is hereby amended by striking out paragraph (d),  
3 as most recently amended by chapter 486 of the acts of 1953,  
4 and inserting in place thereof the following paragraph: —  
5 (d) Any member holding office by popular election at the time  
6 of attaining the maximum age for his group, whether or not he is  
7 then entitled to a superannuation retirement allowance, may  
8 continue to serve in such office after attaining such maximum  
9 age but only until the expiration of the term for which he was  
10 elected, unless he has been re-elected to the same office, or elected  
11 to any other public office, by popular election, and a member  
12 so re-elected to public office shall not be subjected to compulsory  
13 retirement notwithstanding the provisions in paragraph (a) of  
14 this subdivision even though he has attained the maximum age  
15 for his group while holding public office; provided, that any  
16 member holding public office, by popular election, even though  
17 he has attained the maximum age for his group, may, at his  
18 option, signify his intention to remain a member of the retire-  
19 ment system by filing a written statement with the retiring

20 authority wherein he states that he desires to remain a member  
21 of the retirement system and authorizes regular deductions to  
22 be made from his regular compensation. Upon receipt of such  
23 written statement he shall continue as a member of his group  
24 and regular deductions shall be made from his compensation  
25 for as long as he shall hold public office, or unless he voluntarily  
26 resigns or withdraws from the system, and any superannuation  
27 retirement allowance to which he may become eligible shall  
28 include credit for all sums paid into the system after he has  
29 attained the maximum age for his group until the date of his  
30 retirement.

31 Failure to exercise the option herein provided within one  
32 year from the beginning of the term to which the member has  
33 been elected shall result in determining his superannuation  
34 allowance equal to that to which he would have been entitled  
35 if retired at the maximum age for his group and no deductions  
36 shall be made from his regular compensation after he has at-  
37 tained such maximum age and has not exercised the option  
38 herein provided. Nothing contained in this paragraph shall  
39 prevent any member from holding an office to which he is elected  
40 by popular vote after attaining the maximum age for his group.

1 SECTION 2. The provisions of this act shall be retroactive  
2 and available to a member holding public office on the effective  
3 date of this act who has already been subjected to compulsory  
4 retirement; provided, that he pays into the annuity savings fund  
5 of the system an amount equal to that which would have been  
6 withheld as regular deductions from his regular compensation  
7 from the date of his compulsory retirement to the date that he  
8 re-enters the system under the option herein granted.